

REMARKS

Claims 8 through 19 remain pending in this application. In response to the non-final Office Action dated September 21, 2005, claim 17 has been amended. Care has been taken to avoid the addition of new matter. Allowance of the application is respectfully solicited.

Claims 8 and 17 through 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,300,683 (Nagasaki). Claims 8 through 11 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,281,562 (Segawa). Claims 12 through 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segawa.

In response to these rejections, claim 17, the only independent claim, has been amended to require that the recited first conductive part is a gate electrode. This part corresponds to gate 6, illustrated in Figs. 1-4. Neither Nagasaki nor Segawa discloses a gate electrode formed as required by claim 17 and the remaining claims dependent therefrom.

In the statement of the rejection of claims 8 and 17 through 19, the Office Action has correlated the claimed elements with counterparts of Nagasaki. The claimed first conductive part has been correlated to drain region 62. As claim 17 has been amended to require that the first conductive part is a gate electrode, this correlation now clearly is inapplicable. There is no disclosure in Nagasaki of the requirements of amended claim 17, i.e., the fabrication method in which a gate electrode is formed and connected with a second conductive part. Claims 8 and 17 through 19 thus are not anticipated by Nagasaki. Withdrawal of the rejection and allowance of these claims are respectfully solicited.

Segawa has been applied in the rejection of claims 8 through 11 and 17 in a similar manner. The claimed first conductive part has been read on the source/drain region 8. The source/drain region 8, of course, is not readable on a gate electrode as now required by these

Application No.: 10/624,540

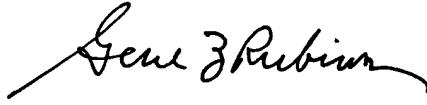
claims. As there is no disclosure elsewhere in Segawa of the recited gate and second conductive part arrangement, claims 8 through 11 and 17 are not met by Segawa. Withdrawal of the rejection and allowance of these claims are respectfully solicited. With respect to claims 12 through 16, the issue of whether the additional requirements of these dependent claims would have been obvious from the teachings of Segawa is moot as there is no teaching or suggestion therein of the gate electrode requirement of parent claim 17 discussed above. Allowance of claims 12 through 16 is believed to be appropriate and is respectfully solicited.

Accordingly, allowance of the application is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Gene Z. Rubinson
Registration No. 33,351

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 GZR:lnm
Facsimile: 202.756.8087
Date: December 20, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**